

Application No.: 10/786,673
Amendment Dated: December 21, 2006
Reply to Office Action of: November 13, 2006

MAT-8509US

Remarks/Arguments:

Claims 1-11 are pending. Claims 1-4 and 9-11 are withdrawn. Claims 5-8 are rejected. With this response, Applicant has amended independent claim 5.

As a preliminary matter, it appears that claim 11 was withdrawn in error. Because claim 11 is dependent on claim 7, Applicant requests reconsideration of the status of claim 11.

Claims 5-8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,677,079 ("DeZorzi") in view of U.S. Patent No. 2,975,226 ("Lehr"). Applicant respectfully submits that the pending amended claims are patentable over the art of record for at least the reasons set forth below.

Features of Amended Independent Claim 5

Applicant's invention, as recited by amended independent claim 5 includes the following features which are neither disclosed or suggested by the art of record, namely:

wherein the holder . . . extends beyond the second side of said casing when the holder is rotated to an opened position.
(emphasis added).

Accordingly, Applicant's invention as claimed in amended claim 5, includes a holder for loading a button battery attached to a casing. In an exemplary embodiment, as shown in Figures 5 and 6, the casing (the lower portion of which is illustrated as reference numeral 12) has a first side with an opening for receiving the holder 22 and a second side adjacent the first side. When the holder 22 is rotated to an opened position, as shown in Figure 6, the holder 22 extends beyond the second side of the casing. For illustration purposes only, the second side of the casing of the

exemplary embodiment can be further identified in Figure 6 as the side including abutment 12B. The above-noted features provide the claimed remote-control transmitter with the advantage of greater accessibility to the battery 20 in the holder 22 when the battery 20 needs to be replaced. Support for the amendments to claim 5 can be found, for example, in the originally filed application in Figures 5 and 6, and the text with respect thereto.

Response to Obviousness Rejection of Independent Claim 5

The Office Action rejects claim 1 as unpatentable over DeZorzi in view of Lehr. More specifically, the Office Action asserts that DeZorzi discloses button batteries contained within the housing of a remote control unit. The Office Action admits that DeZorzi does not disclose a holder rotatably held to the casing. To supply this missing feature, the Office Action relies on Lehr. The Office Action contends that Lehr discloses a rotatable holder for a battery with reference to Figure 1, item 34 of Lehr. The Office Action asserts that it would have been obvious to combine the teachings of DeZorzi and Lehr to use the holder in the remote control device to gain the advantage of easily changeable batteries.

Applicant contends that Lehr does not teach, disclose or suggest the holder as claimed in amended claim 5. As claimed, Applicant's holder, as illustrated in Figure 6 of the present application, shows that Applicant's holder rotates past the side of the casing adjacent the side containing the opening for receiving the holder. Moreover, Applicant's holder is attached to the casing such that the holder is rotatable at a position located inside of the intersection of the first and second sides. This is different than the holder disclosed in Lehr. Applicant contends that as shown in Figure 1 of Lehr, when the battery holder of Lehr is moved to its open position, the battery holder is restricted from extending beyond any sides of the casing (other than the side

Application No.: 10/786,673
Amendment Dated: December 21, 2006
Reply to Office Action of: November 13, 2006

MAT-8509US

with the opening for receiving its holder). Accordingly, Applicant's battery holder provides greater accessibility to the battery when in the opened position than that disclosed in Lehr.

Furthermore, as admitted by the Office Action, DeZorzi fails to disclose a holder rotatably held to the casing. Therefore, DeZorzi cannot make up for the deficiency of Lehr.

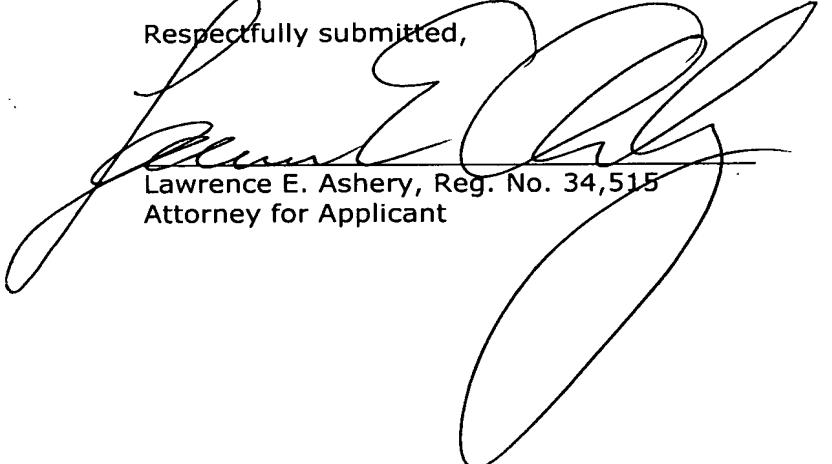
As a result, Applicant respectfully submits that independent claim 5 is patentable over DeZorzi in view of Lehr. Dependent claims 6-8 include all of the features of claim 5 from which they depend. Thus, claims 6-8 are also patentable over the art of record for at least the reasons set forth above. Claim 11, which was withdrawn in error, is also dependent on claim 5, indirectly. Therefore, claim 11 is also patentable over the art of record.

Application No.: 10/786,673
Amendment Dated: December 21, 2006
Reply to Office Action of: November 13, 2006

MAT-8509US

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,


Lawrence E. Ashery, Reg. No. 34,515
Attorney for Applicant

JA/bj/fp/ds

Dated: December 21, 2006

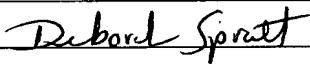
P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

December 21, 2006

Deborah Spratt



86701